

IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE DIVISION  
BIGHORN RIVER, BELOW GREYBULL RIVER (43P)  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANT: Circle B LLC

OBJECTORS: Apsaalooke (Crow) Tribe; United States of  
America (Bureau of Indian Affairs); United States  
of America (Bureau of Reclamation)

**CASE 43P-0114-P-2019**

43P 20252-00

43P 20253-00

43P 34479-00

43P 188957-00

43P 208823-00

43P 208830-00

**Implied Claims:**

**43P 30155795**

**43P 30155796**

**43P 30155797**

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

**MASTER'S REPORT**  
**FINDINGS OF FACT**

1. The above-captioned claims appeared in the Preliminary Decree for the Bighorn River, Below Greybull River (Basin 43P) with issue remarks. The Crow Tribe, the United States (Bureau of Indian Affairs) and the United States (Bureau of Reclamation) filed Objections to the claims.

2. On October 10, 2019, the above-captioned claims were consolidated into Water Court Case 43P-0114-P-2019 and the parties were ordered to file settlement documents to resolve the Objections.

3. On August 24, 2022, a Stipulation was filed and on November 3, 2022, the Crow Tribe filed their signed Signature page. The Stipulation variously proposes the modification or dismissal of the claims.

4. Pursuant to the Stipulation, the parties propose that claim 43P 20252-00 be dismissed.

5. Pursuant to the Stipulation, the parties propose the following modifications to claim 43P 20253-00:

Flow Rate: 30 GPM

Point of Diversion and Place of Use:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWSW	17	04N	35E	TREASURE	

6. Pursuant to the Stipulation, the parties propose the following modifications to claim 43P 34479-00:

Flow Rate: 5.61 CFS

Maximum Acres: 67.00 acres

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<u>27.00</u> <del>35.00</del>	<u>6</u>	<u>W2SE</u>	34	5N	34E	TREASURE
<u>2</u>	<u>9.00</u>	<u>7</u>	<u>NESW</u>	<u>34</u>	<u>5N</u>	<u>34E</u>	<u>TREASURE</u>
<u>3</u> <del>2</del>	<u>10.00</u> <del>45.00</del>	<u>8</u>	<u>W2SW</u>	34	5N	34E	TREASURE
<u>4</u>	<u>21.00</u>	<u>10</u>	<u>SESW</u>	<u>34</u>	<u>5N</u>	<u>34E</u>	<u>TREASURE</u>
Total:	<u>67.00</u> <del>80.00</del>						

7. Pursuant to the Stipulation, the parties propose the creation of an implied claim (43P 30155795), with identical elements as claim 43P 34779-00 except as follows:

Priority Date: May 1, 1957

Flow Rate: 1.16 CFS

Maximum Acres: 13.00

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<del>4</del>	<del>35.00</del>		<del>SE</del>	34	<del>5N</del>	34E	TREASURE
<u>1</u> <del>2</del>	<u>13.00</u> <del>45.00</del>	<u>7</u>	<u>NESW</u>	34	5N	34E	TREASURE
Total:	<u>13.00</u> <del>80.00</del>						

8. Pursuant to the Stipulation, the parties propose the following modifications to claim 43P 188597-00:

Volume: 30.64 ac-ft

Maximum Acres: 13.32 acres

9. Pursuant to the Stipulation, the parties propose the following modifications to claim 43P 208823-00:

Flow Rate: 4.40 CFS

Maximum Acres: 160.00

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
<u>1</u>	<u>8.00</u>	<u>1</u>	<u>E2NENE</u>	<u>3</u>	<u>4N</u>	<u>34E</u>	<u>TREASURE</u>
<u>2</u>	<u>1.00</u>	<u>9</u>	<u>NENESE</u>	<u>3</u>	<u>4N</u>	<u>34E</u>	<u>TREASURE</u>
<u>3</u> +	<u>29.00</u> +66.26	<u>2</u>	<u>NWNE</u> N2	2	4N	34E	TREASURE
<u>4</u>	<u>30.00</u>	<u>3</u>	<u>NENW</u>	<u>2</u>	<u>4N</u>	<u>34E</u>	<u>TREASURE</u>
<u>5</u> 2	<u>44.00</u> 3.00	<u>4</u> +	<u>NWNW</u> NENENE	<u>2</u> 3	4N	34E	TREASURE
<u>6</u>	<u>31.00</u>	<u>5</u>	<u>SWNW</u>	<u>2</u>	<u>4N</u>	<u>34E</u>	<u>TREASURE</u>
<u>7</u> 3	<u>8.00</u> 10.90	<u>6</u>	<u>N2SE</u> NW SESE	<u>2</u> 33	<u>45N</u>	34E	TREASURE
<u>8</u>	<u>2.00</u>	<u>7</u>	<u>NWSWNE</u>	<u>2</u>	<u>4N</u>	<u>34E</u>	<u>TREASURE</u>
<u>9</u> 4	<u>2.00</u> 139.16	<u>12</u>	<u>NWNWSW</u> S2	<u>2</u> 34	<u>45N</u>	34E	TREASURE
<u>10</u>	<u>2.00</u>	<u>9</u>	<u>S2SWSW</u>	<u>34</u>	<u>5N</u>	<u>34E</u>	<u>TREASURE</u>
<u>11</u>	<u>3.00</u>	<u>11</u>	<u>S2SWSE</u>	<u>34</u>	<u>5N</u>	<u>34E</u>	<u>TREASURE</u>
Total	<u>160.00</u> 319.30						

10. Pursuant to the Stipulation, the parties propose the creation of an implied claim (43P 30155796) with identical elements as claim 43P 208823-00 except as follows:

Priority Date: June 30, 1945

Flow Rate: 395 GPM

Maximum Acres: 32.00

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<u>17.00</u> 166.24	<u>2</u>	<u>SWNWNE</u> N2	2	4N	34E	TREASURE
2	<u>2.00</u> 3.00	<u>3</u> +	<u>NENW</u> NENENE	<u>2</u> 3	4N	34E	TREASURE
3	<u>13.00</u> 10.90	<u>6</u>	<u>SE</u> NW SESE	<u>2</u> 33	<u>45N</u>	34E	TREASURE
4	139.16		S2	34	<u>5N</u>	<u>34E</u>	<u>TREASURE</u>
Total:	<u>32.00</u> 319.30						

11. Pursuant to the Stipulation, the parties propose the creation of an implied claim (43P 30155797) with identical elements as claim 43P 208823-00 except as follows:

Priority Date: June 30, 1957

Flow Rate: 432 GPM

Maximum Acres: 35.00

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u> <u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<u>22.00</u> 466.24		<u>S2SW</u> N2	<u>34</u> 2	<u>5N</u> 4N	34E	TREASURE
2	<u>13.00</u> 3.00	4	<u>SESE</u> NENENE	<u>33</u> 3	<u>5N</u> 4N	34E	TREASURE
3	40.90		SESE	33	5N	34E	TREASURE
4	439.16		S2	34	5N	34E	TREASURE
Total:	<u>35.00</u> 349.30						

12. After reviewing the claim file for claim 43P 208830-00, the acres irrigated issue remark fails to overcome the prima facie status of the claim and should be removed.

### PRINCIPLES OF LAW

1. The Montana Water Court has the authority to determine the extent of all water rights in the state as they existed prior to July 1, 1973. *Fellows v. Saylor*, 2016 MT 45, ¶ 25, 382 Mont. 298, 367 P.3d 732; §§ 85-2-233, -102(13), MCA.

2. A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content. § 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect. Rule 19, W.R.Adj.R.

3. Where a claimant agrees to reduce or limit an element of a claim, “the water court does not need to determine whether the burden of proof has been met.” Rule 17(c), W.R.Adj.R. The Court may accept the requested reduction or limitation “without further presentation of evidence.” Rule 17(c), W.R.Adj.R.

4. Under Section 3-7-224, MCA the Water Court is directed to conduct hearings in the same manner as for other civil actions. The Water Court applies the Montana Rules of Civil Procedure (M.R.Civ.P.), the Montana Rules of Evidence (M.R.Evid.) and the

Montana Uniform District Court Rules. This Master considers stipulations filed with the Court as “other paper” under M.R.Civ.P. Rule 11(b)(3) which certifies that to the best of the parties knowledge the factual contentions contained within the stipulation are supported by evidence. Add to this rule the recognition that “the heart of a judicial process is the development of the truth through conflict between parties with adverse interests.” *United States of America (USDI) –Bureau of Indian Affairs)-General Objection to Basin 42B and 42C Preliminary Decrees*, Case 42B-1, ¶ 3 at p. 14, (*Order Denying Motion* June 27, 2014). Considering these tenets, significant weight is given to the stipulation itself to establish the accurate historical use of the claim.

### CONCLUSIONS OF LAW

1. Claim 43P 20252-00 should be dismissed. The remaining claims should be modified and implied claims generated as discussed above. Modification of the claims resolves the Objections and issue remarks as discussed above.
2. The remaining issue remarks are notice type remarks that have served their purpose and should be removed from the claims.
3. The generation of an implied claim is intended to address situations where a single statement of claim appears to contain more than one separate water right. Order Amending and Adopting Masters Report at 4, *Eliasson Ranch Company v. Rodegheiro*, Water Court Case 40A-115 (June 28, 2004) (hereinafter 40A-115 Order). In that regard, the purpose of generating an implied claim is to “separate two or more water rights into separate claims so that they are accurately identified for adjudication and administration.” *Id.* at 5. Ordinarily, the DNRC requests Water Court authorization for an implied claim pursuant to Rule 6.IV of the Water Right Claim Examination Rules. *Id.* at 4. Although this rule applies to claims being examined prior to the issuance of a preliminary decree, the Water Court has routinely cited the rule when generating implied claims post-preliminary decree. *Id.*
4. When determining whether to grant an implied claim, the Court generally relies on the statement of claim and any material in the claim file that helps to clarify that information. 40A-115 Order at 4. As previously recognized by the Court, “[t]he most

common indicator for an implied claim is an overstatement of some element of the claim on a single statement of claim form, such as: listing points of diversion on two or more sources[.]” *Id.* at 4-5.

5. Implied claims should be generated from claims 43P 34479-00 and 43P 208823-00 with the modifications discussed above.

### **RECOMMENDATION**

1. Upon review the record in this case, the above-captioned claims should be modified and implied claims generated as discussed above. The issue remarks should be removed from the claims. The Objections should be resolved.

Post Decree Abstracts of Water Right Claims are attached to this Master’s Report for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

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**Note: Caption Updated 2-23-2023**

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 20252-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** DISMISSED

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:**

**Type of Historical Right:**

**Purpose (use):** MULTIPLE DOMESTIC

**Flow Rate:**

**Volume:**

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

**Period of Use:**

**Place of Use:**

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**Remarks:**

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 20253-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:** OCTOBER 19, 1966

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** 30.00 GPM

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** GROUNDWATER

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWSW	17	4N	35E	TREASURE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WELL

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSWSW	17	4N	35E	TREASURE

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

20252-00

20253-00

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 34479-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:** MAY 1, 1929

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 5.61 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 67.00

**Source Name:** BIGHORN RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWSW	34	5N	34E	TREASURE

**Period of Diversion:** APRIL 1 TO SEPTEMBER 30

**Diversion Means:** PUMP

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	27.00	6	W2SE	34	5N	34E	TREASURE
2	9.00	7	NESW	34	5N	34E	TREASURE
3	10.00	8	W2SW	34	5N	34E	TREASURE
4	21.00	10	SESW	34	5N	34E	TREASURE
<b>Total:</b>	<b>67.00</b>						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

34479-00

208823-00

IMPLIED CLAIM NO. 43P 30155795 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 188957-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:** JUNE 19, 1921

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 30.64 AC-FT

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 13.32

**Source Name:** UNNAMED TRIBUTARY OF TULLOCK CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	12	4N	34E	TREASURE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DIKE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	13.32		NENW	12	4N	34E	TREASURE

**Total:** 13.32

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 208823-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:** JUNE 30, 1909

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 4.40 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 160.00

**Source Name:** BIGHORN RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5	SWNWNW	2	4N	34E	TREASURE

**Period of Diversion:** MARCH 15 TO OCTOBER 15

**Diversion Means:** PUMP

**Period of Use:** MARCH 15 TO OCTOBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	8.00	1	E2NENE	3	4N	34E	TREASURE
2	1.00	9	NENESE	3	4N	34E	TREASURE
3	29.00		NWNE	2	4N	34E	TREASURE
4	30.00	3	NENW	2	4N	34E	TREASURE
5	44.00	4	NWNW	2	4N	34E	TREASURE
6	31.00	5	SWNW	2	4N	34E	TREASURE
7	8.00	6	N2SENE	2	4N	34E	TREASURE
8	2.00	7	NWSWNE	2	4N	34E	TREASURE
9	2.00	12	NWNWSW	2	4N	34E	TREASURE
10	2.00	9	S2SWSW	34	5N	34E	TREASURE
11	3.00	11	S2SWSE	34	5N	34E	TREASURE

**Total:** 160.00

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

34479-00

208823-00

THE IMPLIED CLAIMS LISTED FOLLOWING THIS STATEMENT WERE AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM. 43P 30155796, 43P 30155797.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 208830-00 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:** JUNE 30, 1924

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 260.59 AC-FT

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 113.30

**Source Name:** TULLOCK CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	12	4N	34E	TREASURE

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DIKE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	80.00		NE	12	4N	34E	TREASURE
2	22.70		E2SE	12	4N	34E	TREASURE
3	10.60		W2SW	7	4N	35E	TREASURE

**Total:** 113.30

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 30155795 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:** MAY 1, 1957

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.16 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 13.00

**Source Name:** BIGHORN RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWSW	34	5N	34E	TREASURE

**Period of Diversion:** APRIL 1 TO SEPTEMBER 30

**Diversion Means:** PUMP

**Period of Use:** APRIL 1 TO SEPTEMBER 30

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	13.00	7	NESW	34	5N	34E	TREASURE

**Total:** 13.00

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**Remarks:**

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43P 34479-00.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 30155796 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:** JUNE 30, 1945

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 395.00 GPM

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 32.00

**Source Name:** BIGHORN RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5	SWNWNW	2	4N	34E	TREASURE

**Period of Diversion:** MARCH 15 TO OCTOBER 15

**Diversion Means:** PUMP

**Period of Use:** MARCH 15 TO OCTOBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	17.00	2	SWNWNW	2	4N	34E	TREASURE
2	2.00	3	NENW	2	4N	34E	TREASURE
3	13.00	6	SENE	2	4N	34E	TREASURE

**Total:** 32.00

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**Remarks:**

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43P 208823-00.

**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**BIGHORN RIVER, BELOW GREYBULL RIVER**  
**BASIN 43P**

**Water Right Number:** 43P 30155797 STATEMENT OF CLAIM

**Version:** 1 -- ORIGINAL RIGHT

**Status:** ACTIVE

**Owners:** CIRCLE B LLC  
% FRED BORMAN  
PO BOX 17  
BIGHORN, MT 59010 0017

**Priority Date:** JUNE 30, 1957

**Type of Historical Right:** USE

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 432.00 GPM

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 1 - HIGH

**Maximum Acres:** 35.00

**Source Name:** BIGHORN RIVER

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5	SWNWNW	2	4N	34E	TREASURE

**Period of Diversion:** MARCH 15 TO OCTOBER 15

**Diversion Means:** PUMP

**Period of Use:** MARCH 15 TO OCTOBER 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	22.00		S2SW	34	5N	34E	TREASURE
2	13.00		SESE	33	5N	34E	TREASURE

**Total:** 35.00

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**Remarks:**

THIS IMPLIED CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43P 208823-00.